

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

CHARLES WILLIAM PEREZ,

Petitioner,

v.

CASE NO. 08-3307-RDR

C. CHESTER, Warden,

Respondent.

O R D E R

This matter is a petition for habeas corpus filed pursuant to 28 U.S.C. § 2241. Petitioner proceeds pro se. By an order dated December 29, 2008, the court granted petitioner to and including January 16, 2009, to submit the \$5.00 filing fee or a motion for leave to proceed in forma pauperis. Petitioner has failed to respond.

Pursuant to Rule 41.1 of the rules of this court,

the court may at any time issue an order to show cause why a case should not be dismissed for lack of prosecution, and if good cause is not shown within the time prescribed by the show cause order, the court may enter an order of dismissal which shall be with prejudice unless the court otherwise specifies.

Accordingly, the court will direct petitioner to show cause why this matter should not be dismissed.

IT IS, THEREFORE, BY THE COURT ORDERED petitioner is granted to and including February 6, 2009, to show cause why this matter should not be dismissed due to his failure to respond to the court's order

of December 29, 2008. The failure to file a timely response will result in the dismissal of this matter without additional prior notice.

A copy of this order shall be transmitted to the petitioner.

**IT IS SO ORDERED.**

DATED: This 23<sup>rd</sup> day of January, 2009, at Topeka, Kansas.

S/ Richard D. Rogers  
RICHARD D. ROGERS  
United States District Judge